



**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF MISSOURI**

IN RE:	)	
	)	
MICHAEL KEVIN ABNEY,	)	Case No. 15-60501-7
SS#XXX-XX-8947	)	
	)	
Debtor.	)	
	)	Adv. No.
MICHAEL KEVIN ABNEY,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	
UNITED STATES DEPARTMENT	)	
OF EDUCATION,	)	
	)	
Defendants.	)	

**COMPLAINT TO DETERMINE DISCHARGEABILITY OF STUDENT LOAN DEBT**

I Michael Kevin Abney ("Debtor") for this Complaint to Determine Dischargeability of Student Loan Debt respectively states as follows:

**PARTIES, JURISDICTION, AND VENUE**

1. Debtor filed his Voluntary Petition for relief under Chapter 7 of the United States Bankruptcy Code on May 8, 2015. Debtor has two dependents.
2. Defendant, United States of America Department of Education is a creditor of Debtor.
3. This Court has jurisdiction over the parties pursuant to 28 U.S.C. §§ 1334 (b), 157(a), and 157(b)(1).
4. This is a core proceeding under 28 U.S.C. § 157(b)(2)(1).
5. This adversary proceeding is authorized by 11 U.S.C. § 523(a)(8) and Rule 4007(a) Fed. R. Bankr. P.

### **CAUSE OF ACTION**

6. During the years 1995 through 1997, Debtor obtained Student Loans for schooling for a total of \$17,875. The Student Loans are insured the United States Department of Education. As of the petition date, the amount due and owing on the student loans was \$36,867.84.
7. Where the Student Loan debt poses a substantial hardship to a bankruptcy debtor and his dependents, such debts are dischargeable. 11 U.S.C. § 523(a)(8).
8. Based on the facts outlined below, Debtor states that the Student Loans pose a substantial hardship to him and his dependents.
  - a. High child support that totals \$750 a month plus arrearages for a total of \$1,038.46 a month.
  - b. Five custody hearings since 2007 and unknown dollar amount for hearings in the future, Debtor has not seen his children since 2012 except for 30 minutes of visit with one.
  - c. Nervous breakdown in May 2013 after a failed chapter 13 bankruptcy and hearing number four with ex-wife.
  - d. Medical, medicine, and doctor visits extended over a year equal more than \$300 month (estimated). \$171.84 for health insurance monthly for Debtor and dependents.
  - e. Homeless and lived in a homeless shelter since June 2013-June 2015. Lived in eighteen wheeler for the months of November 2012 through May 2013 and October 2013 through May 2014 for work.
  - f. Has only a bicycle for morning commute to work of four miles.
  - g. Has nothing of value except what is but a few items in storage and clothes on his back.
9. This Court should find that the Student Loan poses a substantial hardship to Debtor and his dependents, and therefore dischargeable pursuant to 11 U.S.C. § 523(a)(8).

WHEREFORE, Debtor prays for judgment determining that Debtor's Student Loan debt is dischargeable pursuant to 11 U.S.C. § 523(a)(8), and for such further relief to which Debtor may be justly entitled.

DATED this 22<sup>th</sup> day of JUNE, 2015.

Respectfully submitted,



MICHAEL K. ABNEY